

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figs. 1. This sheet which includes Figures 1, replaces the original sheet including Figures 1.

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 37-72 were previously pending in the present application. Within the Office Action, claims 37-43, 49 and 50 have been rejected, and claims 44-48 and 51-72 have been withdrawn. By the above amendments, claim 37 is canceled, and claims 38-40, 42, 49, 50, and 108 are currently amended. New claims 110 and 111 are new. No new matter is contained within these amendments. Accordingly, claims 38-40, 42, 44-72 and 108-111 are currently pending in this application.

In the Office Action, the Examiner requests an indication of which if any of the newly added claims 108 and 109 the Applicants believe are readable upon the elected species. The Applicants thank the Examiner for noticing the omission. The Applicants include the response to the Office Action mailed on October 10, 2007.

Information Disclosure Statement

Within the Office Action it is stated that the information disclosure statement filed on April 16, 2008 fails to comply with 37 CFR 1.98(a)(3). Because the non-english language references do not include a concise explanation of the relevance the reference are put in the file but have not been considered.

The first four reference are English language U.S. Patents that were inadvertently stricken from consideration. These U.S. Patent references should be considered on the grounds that they comply with 37 CRR 1.97 and 37 CFR 1.98. The MPEP instructs an Applicant that:

If an item of information in an IDS fails to comply with all the requirements of 37 CFR 1.97 and 37 CFR 1.98, that item of information in the IDS will not be considered and a line should be drawn through the citation to show that it has not been considered.

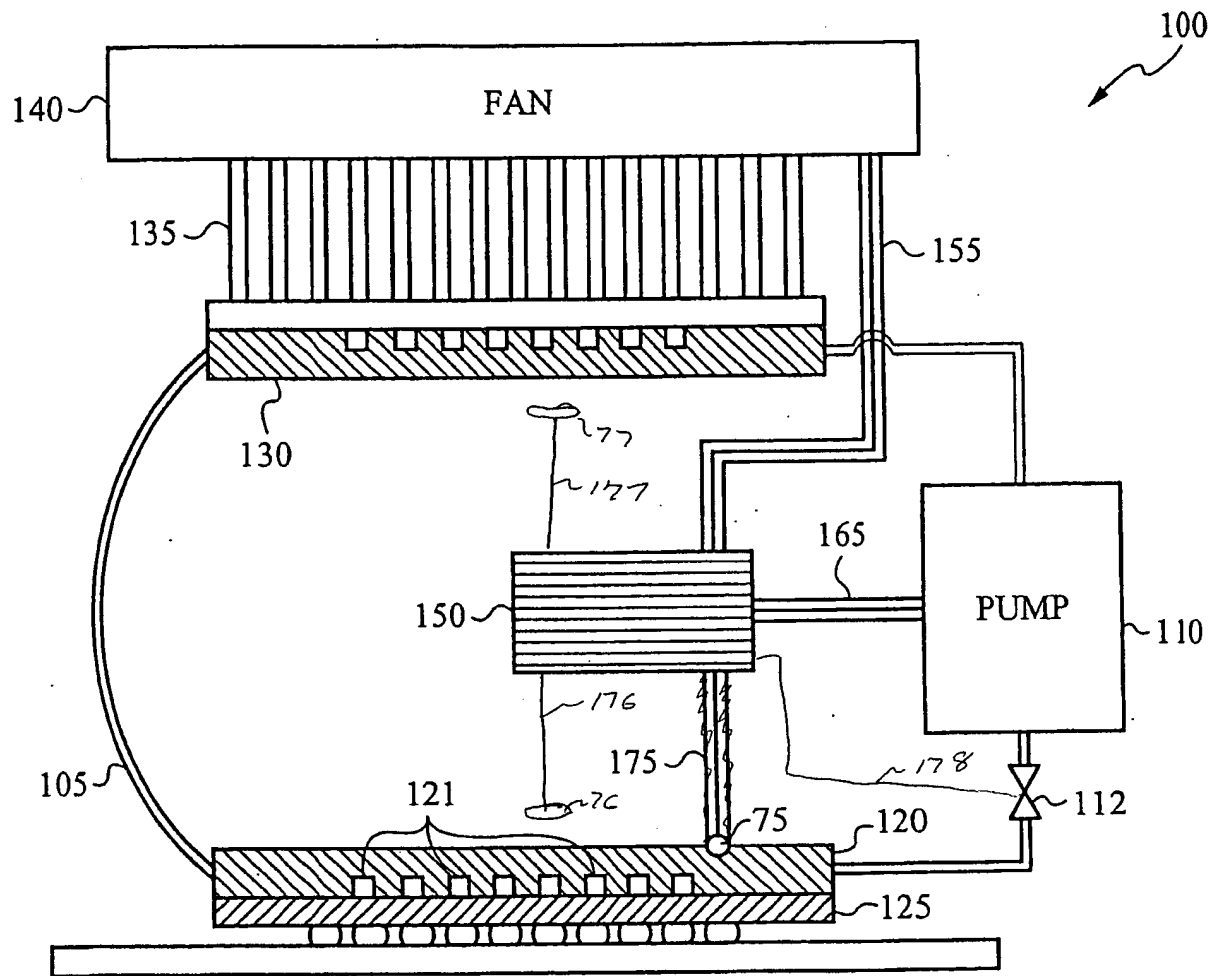


Fig. 1

However, other items of information that do comply with all the requirements of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner.

See MPEP § 609.05(a). The Applicants respectfully request that the four U.S. Patent references be considered from the April 16, 2008 Information Disclosure Statement.

Objection to the Drawings under 37 C.F.R. §1.83(a)

Also within the Office Action, the Examiner objected to the drawings under 37 C.F.R. §1.83(a). Specifically, the Examiner claims that “The drawings must show every feature of the invention specified in the claims. Therefore, the at least one additional temperature sensor as recited in claim 49, the at least one additional temperature sensor as recited in claim 50, and the at least one additional temperature sensor as recited in claim 108 must each be shown or the feature(s) canceled from the claim(s).” By the current drawing amendments, the amended Figure 1 now shows the additional temperature sensor as recited in claim 49 and 50.

Claim Rejections under 35 U.S.C. § 112

Within the Office Action claims 37, 42, 29, 50, 108, and 109 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regards as the invention. Independent claim 110 replaces independent claim 37 and is amended to overcome this rejection by distinctly claiming the subject matter which Applicants regards as the invention. Claims 42, 29, 50, 108, and 109 depend directly or indirectly from claim 110. Accordingly, Claims 42, 29, 50, 108, and 109 also distinctly claim the subject matter which applicant regards as the invention.

Characterization of Cited Art

Goodson

U.S. Patent No. 7,334,630 B2 to Goodson et al. (herein after Goodson) discloses a method of controlling a cooling apparatus for cooling a device 50 comprising a controller 500 and a cooling loop comprising a micro-scaled heat exchanger 200, a electroosmotic pump 300, and a macro heat exchanger 400 which can be further cooled by a fan (not shown). [Goodson: Fig. 1] Goodson teaches the controller controlling the electroosmotic pump to pump fluid within the cooling loop and teaches the monitoring of temperature, pressure, and flow rate sensors

integrated with the micro heat exchanger 200. [Goodson: column 8, lines 58-67] Goodson does not teach a controller controlling a fan or the step of a controlling a fan to control an air flow. Goodson does not teach a temperature sensor for measuring the ambient air temperature adjacent to the macro heat exchanger. Goodson does not teach the step of a controlling or a controller controlling a fluid flow rate and an air flow rate based on the temperature of a micro heat exchanger and the ambient air temperature.

Patel

Patent No. 6,826,922 B2 to Patel et al. (herein after Patel) teaches a system an method for cooling a room configured to house a plurality of computer systems. Patel teaches a method controlling an air flow of at least one device or rack (Patel: 12-Fig. 1) comprising a heat exchanges unit (Patel: 22-Fig. 1) configured to receive a cooling fluid, at least one fan (Patel: 30-Fig. 2) for circulating air over the heat exchanges. The cooled air circulates by and through the device(s) (12-Fig. 1, 2) and thereby provides cooling for the device (12-Fig. 1). Patel does not teach a mechanical thermal conduction path between the heat exchangers and the device. Patel teaches indirect cooling of the devices(s) by a heat exchanger first cooling the air, and then the cooled air cooling the devices.

Claim Rejections under 35 U.S.C. § 102

Rejections under Goodson

Within the Office Action the claims 37, 39, 42, 49, 50 and 108 are rejected under 35 U.S.C. § 102(e) as being anticipated by Goodson.

Independent claim 37 is canceled and therefore the rejection is mute. Independent claim 110 replaces claim 37 as the base claim. For the following reasons, Claim 110 is allowable over the teachings of Goodson. Claim 110 teaches the control of a fluid flow and an air flow. As discussed above, Goodson does not teach a method of controlling of a fluid flow and an airflow based on the temperature of a heat exchanger. Accordingly, Goodson does not teach all of the the steps of Claim 110. For at least these reasons, Claim 110 is allowable over Goodson.

Claims 39, 42, 49, 50, and 108 depend directly or indirectly from base claim 110. For the reasons argued above, claim 110 is allowable over Goodson. Because claims 39, 42, 49, and 108 depend from an allowable base claim, claims 39, 42, 49 and 108 are allowable over Goodson.

Rejections under Patel

Within the Office Action the claims 37, 39, 42, 49, 50 and 108 are rejected under 35 U.S.C. § 102(e) as being anticipated by Patel.

Independent claim 37 is canceled and therefore the rejection is mute. Independent claim 110 replaces claim 37 as the based claim. For the following reasons, Claim 110 is allowable over the teachings of Patel. Here, Claim 110 is not anticipated by Patel because Claim 110 contain additional limitations not found in the reference. Specifically, Claim 110 claims a mechanical thermal coupling between the heat exchanger and the device. This limitation is not taught by Patel. Patel teaches thermal coupling of the heat source (the computer system) and the heat exchanger through the air circulated by the fan 3-Fig. 2. Patel does not teach the limitation of a mechanical thermal coupling. Therefore, Patel does not anticipate amended claim 110. For at least these reasons, Claim 110 is allowable over Patel.

Claims 39, 42, 49, 50 and 108 depend directly or indirectly from amended independent claim 110 that is for the reasons argued above in a condition of allowance. Because these claims depend from an allowable base claim, Claims 39, 42, 49, 50, and 108 are allowable over Patel.

New Claims 110 and 111

Claim 110 for the reasons argued above are allowable over Goodson and Patel. Claim 111 is dependent indirectly from base claim 110. Accordingly, Claim 111 is allowable as depending from an allowable base claim.

CONCLUSION

The Applicants respectfully request examination and reconsideration in view of the amendments above and remarks above. Following the above amendments, claims 37-40, 42, 49, 50, 108 and 109 are currently pending. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 8-20-08

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 8/20/08 By: [Signature]